

BOISE, FRIDAY, FEBRUARY 19, 2016 AT 8:50 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

**MELINDA DEITER and JOSEPH DEITER,)
individually, and as parents and natural)
guardians of MELINDA ROBERTS and)
GIDEON DEITER, minors)**

Plaintiffs-Appellants,)

v.)

**DONALD COONS, SHARON COONS, and)
PENNY COONS dba DON'S MEATS,)
PATTY A. ANDERSON,)**

Docket No. 42634

Defendants-Respondents,)

and)

JANAK, INC., and DONALD JANAK,)

Defendants.)

Appeal from the District Court of the Third Judicial District, State of Idaho, Gem County. Hon. Juneal C. Kerrick, District Judge.

Capitol Law Group, Minneapolis, for appellants.

Mahoney Law, PLLC, Boise, for appellants.

Eberle, Berlin, Kading, Turnbow & McKlveen, Chtd., Boise, for respondents Coons/Don's Meats.

Moore & Elia, LLP, Boise, for respondent Patty Anderson.

Joseph and Melinda Deiter (the Deiters) appeal the Gem County district court's grant of summary judgment in favor of Donald Coons, Sharon Coons, and Penny Coons d/b/a Don's Meat's, and Patty Anderson on the Deiters' negligence *per se* claims. The Deiters purchased half of a beef from Anderson, which was slaughtered by Donald Janak and then transported to Don's Meats for processing and packaging. The Deiters and their children contracted *E. coli* shortly after consuming some of the meat and were hospitalized. The Deiters filed suit against Anderson,

Janak, and Don's Meats, asserting products liability and negligence claims, among others. The district court granted summary judgment on all of the Deiters' claims. Relevant to this appeal, the district court ruled the Federal Meat Inspection Act (FMIA) did not apply in this case because the sale was purely intrastate. The Deiters appealed the district court's grant of summary judgment only as to Anderson and Don's Meats, and only on the issue of negligence *per se*.

On appeal to the Idaho Supreme Court, the Deiters argue that the FMIA applies to intrastate dealings, including the transaction in this case. The Deiters contend that both Anderson and Don's Meats violated several provisions of the act and that those violations caused their illnesses. Consequently, the Deiters assert that the district court erred when it granted summary judgment in favor of Anderson and Don's Meats on their negligence *per se* causes of action.

BOISE, FRIDAY, FEBRUARY 19, 2016 AT 10:00 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)	
)	
Plaintiff-Respondent,)	
)	
v.)	Docket No. 42201
)	
KIRK MURRAY CHARLSON,)	
)	
Defendant-Appellant.)	
_____)	

Appeal from the District Court of the Fourth Judicial District of the State of Idaho, Ada County. Hon. Patrick H. Owen, District Judge.

Sara Thomas, Idaho State Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Idaho Attorney General, Boise, for respondent.

In a case arising out of Boise County, Kirk M. Charlson, the appellant, was convicted of felony driving under the influence. Before the trial, Charlson made a motion in the district court of the Fourth Judicial District to suppress the results of a blood draw conducted to determine Charlson's blood alcohol content. The district court denied the motion to suppress. Law enforcement had not obtained a warrant before Charlson's blood was drawn. Charlson asserts that the State of Idaho, the respondent, failed to meet its burden of establishing that an exception to the warrant requirement applied, and thus that the warrantless blood draw violated his constitutional rights against unreasonable searches and seizures. On appeal, he claims that the district court erroneously denied his motion to suppress.

BOISE, FRIDAY, FEBRUARY 19, 2016 AT 11:10 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

PATH TO HEALTH, LLP, an Idaho limited)	
liability partnership,)	
)	
Plaintiff-Appellant,)	
)	
v.)	
)	
DAREN LONG, an individual residing in)	
Idaho, ALL-IN, INC., dba RE/MAX ALL-IN)	Docket No. 42313
REALTORS, a real estate company)	
incorporated in Idaho,)	
)	
Defendants-Respondents,)	
)	
and)	
)	
JOSEPH SCOTT CANNON and MEGAN)	
CANNON, husband and wife,)	
)	
Defendants.)	

Appeal from the District Court of the Seventh Judicial District of the State of Idaho, Bonneville County, Hon. Joel E. Tingey, District Judge.

Petersen Moss Hall & Olsen, Idaho Falls, for appellant.

Carey Perkins LLP, Idaho Falls, for respondents.

Path to Health, LLP (Path) appeals the Bonneville County district court's summary judgment dismissal of its negligence, contract, and misrepresentation claims. In the underlying action Path brought a case against realtor, Darren Long, and ALL-IN, INC. dba RE/MAX ALL-IN REALTORS. Path's causes of action related to Path's 2011 purchase of office space for its holistic health business. Path alleged that Long and RE/MAX represented that the office space was commercially zoned when the office space was actually residentially zoned. In March of 2014 the district court entered summary judgment dismissing Path's case.

Path appeals, arguing the district court erroneously determined that: (1) certain excerpts of deposition testimony were not admissible; (2) Path did not raise issues of material fact on its negligence claim; (3) the economic loss rule barred Path from recovering negligence damages; (4) contract terms that provided Path was responsible for investigating zoning were controlling; (5) Path was judicially estopped from arguing a contract was not enforceable; and (6) Path's fraud claims were barred because Path did not justifiably rely on alleged misrepresentations.